



MOTION TO APPOINT SUBSTITUTE COUNSEL

NOW COMES JERRY WARD : PETITIONER PRO SE  
IN RESPECT TO OFFICE OF FEDERAL PUBLIC DEFENDER'S  
MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR  
PETITIONER. PETITIONER RESPECTFULLY MOVES FOR  
THIS COURT TO APPOINT SUBSTITUTE COUNSEL  
SHOULD THE MOTION OF PUBLIC DEFENDER BE  
GRANTED.

RESPECTFULLY SUBMITTED

*Jerry Ward*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JERRY WARD, :  
Petitioner :  
 : 1:12CV550  
v. : 1:09CR406-1  
 :  
UNITED STATES OF AMERICA, :  
Respondent :

MOTION TO WITHDRAW AS COUNSEL OF RECORD

The Office of the Federal Public Defender hereby moves for an order allowing it leave to withdraw as counsel of record for the Petitioner. Review of the record reveals that the Petitioner's Motion under 28 U.S.C. § 2255 includes allegations of ineffective assistance of counsel by this office. See Doc. # 23, filed May 31, 2012. Without addressing the merits of those allegations, it is counsel's opinion that the allegations themselves give rise to a conflict within the meaning of Rules 1.7(a)(2) and 1.10(a) of the North Carolina Rules of Professional Conduct.

WHEREFORE, the Office of the Federal Public Defender moves for an order allowing it leave to withdraw as counsel of record for the Petitioner, and directing that new counsel be appointed. A proposed order is attached.

Respectfully submitted this the 21<sup>st</sup> day of February, 2013.

LOUIS C. ALLEN III  
FEDERAL PUBLIC DEFENDER

/s/ Eric D. Placke  
ERIC D. PLACKE  
Assistant Federal Public Defender  
Arkansas State Bar No. 86207  
North Carolina State Bar No. 20671  
301 North Elm Street, Suite 410  
Greensboro, NC 27401  
Eric\_Placke@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2013, I electronically filed the foregoing Motion to Withdraw as Counsel of Record with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Mr. Terry M. Meinecke  
Assistant United States Attorney  
101 South Edgeworth Street  
Greensboro, NC 27401

I further certify that on February 21, 2013, I mailed a copy of the foregoing Motion to Withdraw as Counsel of Record to the following non-CM/ECF participant:

Mr. Jerry Ward  
Reg. No. 25352-057  
FCI Ashland  
Federal Correctional Institution  
P.O. Box 6000  
Ashland, KY 41105

Respectfully submitted,

/s/ Eric D. Placke  
ERIC D. PLACKE  
Assistant Federal Public Defender

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JERRY WARD, :  
Petitioner :  
 : 1:12CV550  
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 :  
UNITED STATES OF AMERICA, :  
Respondent :

ORDER ALLOWING MOTION TO WITHDRAW AS COUNSEL OF RECORD AND  
APPOINTING NEW COUNSEL

The Office of the Federal Public Defender has moved to withdraw as counsel of record for the Petitioner. Based upon the likelihood of a conflict of interest if the Office of the Federal Public Defender maintained its representation of the Petitioner in this matter, the Court concludes that the Office of the Federal Public Defender should be granted an order allowing it leave to withdraw as counsel of record for the Petitioner.

NOW, THEREFORE, it is hereby ordered that the motion filed by the Office of the Federal Public Defender is allowed, that the Office of the Federal Public Defender is granted leave to withdraw as counsel of record for the Petitioner and that \_\_\_\_\_ is appointed to represent the Petitioner.

IT IS SO ORDERED, this the \_\_\_\_\_ day of February, 2013.

\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE